IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.1917 OF 1999

Ms.G.C.Savagon
A-5, C06 Avadhut Nagar
Dahisar (East),
Mumbai 400 068 ..Petitioner

Vs.

1. The Principal
   Vadyavardhini Annasaheb Vartak
   College of Arts
   Kedarnath Malhotra College of Commerce
   E.S. Andrades College of Science
   Vasai Road, (W. Rly.)
   Tal: Vasai, Dist: Thane.

2. The Secretary
   Vidyavardhini, Vasai Road.

3. University of Bombay

4. The State of Maharashtra
   Education Department
   Mantralaya, Mumbai ..Respondents

Ms. S.V. Deshpande for Petitioner
Mrs. S.S. Bhende, A.G.P. for Respondent No.4
Mr. J.M. Chandankar for Respondent No.1
Mr. R.A. Rodrigues with Mr. B.V. Phadnis for Respondent No.3

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 13TH APRIL, 2005.

JUDGMENT (PER F.I. REBELLO, J.)

. Petitioner is employed with the Vidyavardhini Anandsaheb Vartak College of Arts as a Lecturer to the subject of Economics from 1st August, 1992. The facts in the present case are similar to what has been set out while disposing off

Writ Petition No.1914 of 1999. The only difference is considering the affidavit filed by the University. In the instant case Counsel for the Petitioner has produced a copy of the advertisement which shows that on the sixth occasion the advertisement was based on the interchangeability provisions.

2. Considering the above the following directions:-

(i). Respondent No.1 to forward to Respondent No.3 a proposal for de-reservation along with all other particulars within four weeks from today.

(ii). On receipt of the particulars Respondent No.3 to forward the same to Respondent No.4 for following the usual procedure.

(iii). Respondent No.4 considering that the Petitioner is already in the employment since 1992 and considering whatever have set out in Writ Petition No.1914 of 1999 decided on 13th April, 2005 to take a decision on the said application for de-reservation as there is power in the Government to relax,

meaning thereby a Teacher already holding the post can be regularised without the post being advertised afresh.

(iv). On communication by Respondent No.4 the Respondent No.3 to communicate the same to Respondent No.1.

(v). If the order is adverse to the Petitioner the same shall not be acted upon for a period of twelve weeks thereafter, as there is already interim relief in favour of the Petitioner. The Petitioner to continues in the service till the decision of State Government and for a period of twelve weeks after communication by Respondent No.3 to Respondent No.4.

Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)